

UNITED STATES DISTRICT COURT

for the

WESTERN

DISTRICT OF

OKLAHOMA

In the Matter of the Search of)
 (Briefly describe the property to be search)
 Or identify the person by name and address)

PERSON KNOWN AS:)

Nicois Megale Smith)

In The Custody of:)

Grady County Detention Center)

215 N. 3rd Street)

Chickasha, OK)

Case No: MJ-24- 338-SM

APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person (*identify the person or describe property to be searched and give its location*):

Nicois Megale Smith, Black Male, DOB xx-xx-1984

Located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

Saliva, for purpose of conducting DNA testing.

The basis for the search under Fed. R. Crim.P.41(c) is(*check one or more*):

- ☒ evidence of the crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in possession of a firearm

The application is based on these facts:

See attached Affidavit of Special Agent Callie McLaughlin, Bureau of Alcohol, Tobacco, Firearms and Explosives, which is incorporated by reference herein.

☒ Continued on the attached sheet(s).
☐ Delayed notice of [No. of Days] days (*give exact ending date if more than 30 days*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).

Callie McLaughlin
 Applicant's signature

CALLIE McLAUGHLIN


Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and signed in my presence.

Date: 4/15/24

City and State: Oklahoma City, Oklahoma


Judge's signature

SUZANNE MITCHELL, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Callie McLaughlin, with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Oklahoma City, being duly sworn, depose and state under oath as follows:

1. I am an investigative or law enforcement officer of the United States and am empowered by law to conduct investigations of and to make arrests for offenses set forth in United States Code, Titles 18 and 21.

2. I am a Special Agent with ATF located in Oklahoma City, Oklahoma. I have been employed with ATF since March 26, 2023. As part of my duties as a Special Agent with ATF, I investigate criminal violations related to firearms trafficking and the illegal possession of firearms by prohibited persons. I have been involved in several investigations involving illegal firearms possession. Prior to working for ATF, I completed my Bachelors and Masters degrees at the University of Central Oklahoma.

3. I make this affidavit in support of the issuance of a search warrant to search the person of **Nicois Megale Smith** (BM; DOB: XX-XX-1984), to seize a deoxyribonucleic acid (DNA) sample from **SMITH** as evidence of a crime. This DNA sample is necessary for comparison to unknown forensic evidence collected from a CZ, model P-10 C, 9mm caliber pistol, bearing serial number F332683 and a Canik, model TP9 SFX, 9mm caliber pistol, bearing serial number 22BC13842. As further outlined below, there is probable cause to believe that **SMITH** possessed these firearms.

4. Based on my training and experience, I know that it is possible and likely to transfer DNA onto most items that a person touches or otherwise comes into contact with, including firearms. The retrieval of a DNA sample from **SMITH** will allow forensic comparison against any DNA recovered from the above-mentioned firearms, which were recovered from **SMITH**'s bedroom and on the side of his home.

5. Through my training and experience, I know DNA can be found in both blood and saliva of a human being. I also know DNA can be collected in a relatively unobtrusive manner by utilizing a buccal swab to obtain a saliva sample from the inside of a subject's mouth. If authorized by court order, law enforcement intends to collect a buccal swab from **SMITH** to obtain a DNA sample for comparison purposes. The intended manner of collecting **SMITH**'s DNA on a buccal swab will be to use a Q-tip to swab the inside cheek of **SMITH**'s mouth.

6. This Affidavit contains information necessary to support probable cause for this application for a search warrant. It is not intended to include every fact or matter observed by me or known by law enforcement. The information provided is based on my personal knowledge and observation during the course of this investigation, but is primarily based on a review of records, documents, and other physical evidence obtained during the investigation.

BACKGROUND OF INVESTIGATION

7. I know from my training and experience that pursuant to 18 U.S.C. § 922(g)(1), it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate

or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. On May 21, 2023, Oklahoma City Police Department was dispatched to 1148 N. Lottie Ave. in Oklahoma City regarding a shooting. Responding officers found a man just inside this home who was the victim of a shooting. Officers sought permission to search the home for evidence related to the shooting, but the resident, **SMITH**, refused to execute a search waiver. Detectives with the Oklahoma City Police Department obtained a state search warrant for the home after the victim was taken to the hospital. Officers executed that warrant later that day and found the CZ, model P-10 C, 9mm caliber pistol, bearing serial number F332683 in **SMITH's** bedroom. This firearm was collected and swabbed for DNA processing.

9. On June 8, 2023, Oklahoma City Police Officers went to 1148 N. Lottie Ave. in Oklahoma City regarding tips of suspected drug activity at the home. One officer knocked on the front door while other officers observed the back of the home. As officers at the front door spoke with an occupant that answered the door, an officer at the back of the home observed what appeared to be a black male drop a firearm to the ground through an open back window. Officers eventually collected the Canik, model TP9 SFX, 9mm caliber pistol, bearing serial number 22BC13842 from the ground below this window. This firearm was collected and swabbed for DNA processing. The only other male occupant of the home was not near the back window at the time the firearm was dropped from the back window.

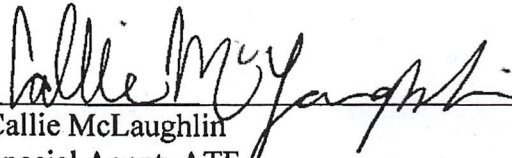
10. A criminal records check revealed that **SMITH** has a criminal history including multiple felony convictions and has served several years' imprisonment within the Oklahoma Department of Corrections.

11. **SMITH** is currently located at the Grady County Detention Center, 215 N. 3rd Street, Chickasha, Oklahoma, in connection with a pending indictment from Western District of Oklahoma Case No. CR-23-342-HE.


12. Based on these facts, I respectfully submit that there is probable cause to believe that **Nicois Megale Smith** committed the offense of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), and that a search of **SMITH's** person to obtain a DNA sample will yield evidence further linking him to the possession of a firearms. I, therefore, respectfully request that a search warrant be issued authorizing the search of the person of **Nicois Megale Smith** to obtain two buccal swab DNA samples from the mouth of **SMITH**. Agents/officers will obtain cotton swabs of the defendant's saliva via buccal swabs in the normally accepted forensic manner. The DNA samples

collected from **SMITH** will be compared to the swabs from the firearms that were recovered.

FURTHER AFFIANT SAYETH NOT.


Callie McLaughlin
Special Agent, ATF

SUBSCRIBED AND SWORN to before me on this 15TH day of April 2024.


SUZANNE MITCHELL
United States Magistrate Judge